

**76.170 Area included in district -- Construction subdistrict excluded -- Extension of boundaries.**

- (1) The initial unit of the district embraces the area that is coterminous with the boundaries of the city of the first or second class. The district also embraces the district area as defined in KRS 76.005. When territory which is part of a construction subdistrict is annexed to the city of the first or second class, that territory shall not become part of the district area during the existence of the construction subdistrict. When the existence of the construction subdistrict is wound up under KRS 76.271, the territory therein shall become a part of the district area if it is then a part of the city of the first or second class or whenever it is annexed by the city of the first or second class. When a construction subdistrict consisting of territory outside the city of the first or second class is wound up, the board of the district shall incorporate the territory into the district area under conditions of KRS 76.271. The district may also expand the district area by constructing and extending its initial sewer and drainage system and facilities beyond the corporate limits of the city of the first or second class and within the county in which the city is located whenever the district and the owners of real property to be served and located outside the limits of the city, by appropriate written instrument, agree as to apportionment of any and all costs of construction work, subsequent maintenance and operation appertaining thereto, and as to payments by the owners of the real property, of rates, rentals and charges for the services and facilities to be thus afforded and for that portion of the district's capital costs, equitably allocable to the real property. Thereupon the real property served becomes a part of the district area. In a like manner and upon the same conditions, the district may construct and extend its sewer and drainage system and facilities so as to serve all or any part of any other city or other incorporated area located in the same county, pursuant to a written agreement between the district and the other city or incorporated area approved by their respective governing boards or bodies; provided, however, nothing in this subsection shall be construed as requiring the district to obtain the consent of any city of the fifth or sixth class prior to constructing any sanitary or storm sewerage facilities within the limits of such a city, regardless of whether said facilities will serve the said city or not. All agreements referred to in this section shall be in appropriate form for recording and shall be filed of record with the county clerk as other instruments relating to transfer or creating a lien upon real estate. Any agreements entered into by the district pursuant to this section may provide that the district area shall include the real estate in such city or incorporated area, or part thereof, to be served pursuant to such agreement, and in such case when such instrument has been filed of record with the county clerk as aforesaid, the district area shall be thereby officially enlarged and extended to include same; except that the district area shall not be enlarged to include a construction subdistrict by agreement or otherwise.
- (2) The district may also expand the district area by constructing and extending its initial sewer and drainage system, or by constructing or extending new sewerage and drainage systems and facilities, into areas of the county outside of the city of the

first class and annexing the areas to be served by such new or expanded systems or facilities to the district area, as provided in KRS 76.171.

- (3) The words "incorporated area" as used in this section do not mean or apply to any sanitation district organized under KRS Chapter 220.
- (4) The provisions of this section shall not apply in cases involving annexation by a city of the first class pursuant to KRS 81.300 to 81.360.

**History:** Amended 1968 Ky. Acts ch. 152, sec. 55; and ch. 156; sec. 3. -- Amended 1964 Ky. Acts ch. 33, sec. 9. -- Amended 1962 Ky. Acts ch. 286, sec. 22. -- Amended 1952 Ky. Acts ch. 70, sec. 4. -- Created 1946 Ky. Acts ch. 104, sec. 15.